

Chapter 2.60
PUBLIC SERVICE CODE OF ETHICS

Sections:

2.60.010	Designation of provisions
2.60.020	Established – Purpose
2.60.030	Standards of conduct of duties
2.60.040	Work and performance standards – Exceeding authority
2.60.050	Preferential treatment prohibited – Use of public property
2.60.060	Ex parte communications
2.60.070	Conflict of interest
2.60.080	Political activity prohibited
2.60.090	Applicability – Advisory opinions
2.60.100	Violation – Penalty

2.60.010 Designation of provisions

The provisions of this chapter shall be designated as the “code of ethics for the city of Casper, its employees and public officials.” (Prior code § 2-61)

2.60.020 Established – Purpose

The proper operation of democratic local government requires that public officials and employees be independent, impartial and responsible to the people; that government decisions and policy be made in the proper channels of the governmental structure; that public office not be used for personal gain; and that the public have confidence in and respect for the integrity of its government. In recognition of these goals, there is established a code of ethics for all officials and employees, whether elected or appointed, paid or unpaid, full-time or contractual. The purpose of this code of ethics is to establish ethical standards of conduct for all such officials and employees by setting forth those acts or actions that are incompatible with the best interests of the city and by directing disclosure by such officials and employees of private financial or other interests in matters affecting the city. The provisions and purpose of this code of ethics and such rules and regulations as may be established are declared to be in the best interests of the city. (Prior code § 2-62)

2.60.030 Standards for conduct of duties

A. Public officials and employees are agents of public purpose and hold office for the benefit of the public. They are bound to uphold the Constitution of the United States and the Constitution of Wyoming and to carry out

impartially the laws of the nation, state and municipality and thus to foster respect for city government. They are bound to observe in their official acts the highest standards of morality and to discharge faithfully the duties of their office regardless of personal considerations, recognizing that the public interest must be their primary concern. Their conduct in both their official and private affairs should be above reproach.

B. Public officials and employees shall conduct their official duties with integrity, impartiality and in the public interest. They shall also conduct both their official and private affairs so as not to give a reasonable basis for the impression that any such official or employee can be improperly influenced in the performance of their official duties. Such official or employee shall conduct themselves as to maintain public confidence in their public trust and in the city. They should not be a source of embarrassment to the city and should avoid even the appearance of both actual and potential conflict between their public duties and private interests.

C. Disclosure of Confidential Information. No councilman or other official or employee shall, without proper legal or council authorization, disclose confidential information concerning any city official, employee or any other person, the property or any government affairs of the city. Nor shall they use such information to advance the financial or other private interests of themselves or others. This provision does not pertain to “public records” as defined by state law.

D. Gifts and Favors. No councilman or other official or employee, as a result of holding such office or position, shall accept any gift, loan, service, certificate, plaque, commemorative token, gratuity, special discount, or item with a value in excess of two hundred fifty dollars from any person, firm or corporation. The provisions and definitions of Wyoming Statutes Section 9-13-101 et. seq. regarding “Government Ethics” relating to the receipt of gifts by public officials, as they may, from time to time be amended shall apply to city councilmen, officials, and employees, said provisions being incorporated herein at this point as if fully set forth. (Prior code §2-63)

2.60.040 Work and performance standards – Exceeding authority.

Appointed officials and employees should not exceed their authority or breach the law or ask others to do so, and they should work in full cooperation with other public officials and

employees unless prohibited from so doing by law or by officially recognized confidentiality of their work. (Prior code § 2-64)

**2.60.050 Preferential treatment prohibited –
Use of public property**

A. Interest in Appointments. A candidate for advancement or promotion within the municipal service shall not directly or indirectly solicit any member of the city council to obtain preferential treatment in connection with the advancement or promotion. This prohibition does not apply to positions filled by appointment of the city council.

B. Use of Public Property. No official or employee shall request or permit the use of publicly-supported property, city-owned vehicles, equipment, materials, labor or service for personal convenience or profit, or the private advantage of themselves or any other person. This rule does not prohibit an official or employee from requesting, using or permitting the use of such publicly-owned or publicly-supported property, vehicles, equipment, materials, labor or service which is made available to the public at large, or by stated public policy for the use of officials or employees in the conduct of city business, or which is provided as a matter of contract.

C. Obligations to Citizens. No official or employee shall grant any special consideration, treatment, advantage or favor to any citizen beyond that which is available to the public at large, or which is available to every other citizen. (Prior code § 2-65(a), (b), (c))

2.60.060 Conflict of interest.

A. Subject to the disclosure requirements of this section, no councilman or other city official or employee, either on his or her own behalf or on behalf of any other person, whether paid or unpaid, shall engage in any business or transaction or shall have any financial or other personal interest, direct or indirect, which is incompatible with the proper discharge of his or her official duties in the public interest or would tend to impair his or her independence of judgment or action in the performance of his or her official duties. Personal as distinguished from financial interest includes an interest arising from blood or marriage relationships or close business or political association. Any councilman or other official or employee who has a substantial or controlling financial interest in any business entity, transaction or contract with the city, or in the sale of real estate, materials, supplies or services to the city, shall disclose such interest in any matter on which they may be called to act in their official capacity.

They shall refrain from voting upon or otherwise participating in the transaction or the making of such contract or sale. A councilman or other official or employee shall not be deemed interested in any contract or purchase or sale of land or other thing of value unless such contract or sale is approved, awarded, entered into or authorized by him or her in their official capacity. A councilman who has a financial or other private interest in any action, matter, or legislation pending before council shall disclose on the records of the council or other appropriate authority the nature and extent of such interest. This provision shall not apply if the councilman disqualifies him or herself from voting on any such matter or action, and recuses himself or herself from the chamber while such matter or action is pending.

B. No employee, either on his or her own behalf, or on behalf of any other person, shall have any financial or personal interest in any business transaction with the city unless he or she first makes full public disclosure of the nature and extent of such interest. An employee who has a financial or personal interest which he or she believes, or has reason to believe, may be affected by an official act made while within the scope of his or her employment or duties, shall make full public disclosure of the precise nature and value of such interest. The disclosure shall be made in writing to the city clerk at the time the conflict first occurs. An employee shall inform his or her department head of any such financial or personal interest at the time he or she acquires it. Information contained in written disclosures, filed with the city clerk, except for the valuations attributed to the reported interest, shall be made available by the city clerk for public inspection; provided, however, the valuation shall be confidential. The filing of disclosures pursuant to this section is a condition of entering upon and continuing in city employment. Whenever the performance of a city employee's duty requires such said employee to make any decision upon any matter involving his or her financial or personal interest, he or she shall publicly disclose the nature and extent of such interest, after which he or she may only proceed with the permission of the city manager or shall disqualify himself or herself from participating in the decision. "Participation in a decision" includes discussions and deliberations leading up to a decision.

C. Any official or employee who has a financial or other personal interest, direct or indirect, which is incompatible with the proper discharge of his or her official duties in the public

interest or would tend to impair his or her independence of judgment or action in the performance of his or her official duties, and who participates in discussion with or gives an official opinion to the council, shall disclose on the records of the council or other appropriate authority the nature and extent of such interest.

D. Specific conflicts of interest are enumerated below for the guidance of officials and employees:

1. Incompatible Employment. No councilman, official, or employee shall engage in private employment when such employment is incompatible with, or give the appearance of incompatibility with, the proper discharge of their official duties, or would tend to impair their independence of judgment or action in the performance of their official duties. In the case of a city employee, he or she shall first make full and public disclosure of the nature and extent of such employment and receive written permission from the city manager to engage in such employment. Other city restrictions concerning private or outside employment of city employees shall not be affected by this provision.

2.Repealed.

3.Repealed.

4. Representing Private Interests Before City Agencies or Courts. No councilman or other official or employee shall appear on behalf of private interests before any agency of the city. He or she shall not represent private interests in any action or proceeding against the interests of the city in any litigation to which the city is a part. A councilman may appear before city agencies on behalf of constituents in the course of their duties as a representative of the electorate or in the performance of public or civic obligations. However, no councilman or other official or employee shall accept a retainer or compensation that is contingent upon a specific action by a city agency.

5. Repealed. (Prior code § 2-66)

2.60.080 Political activity prohibited.

A. No city appointive official or employee shall use the prestige of his position in behalf of any political party.

B. A city appointive official or employee shall not use public funds, time, personnel, facilities or equipment for political or campaign activity unless the use is: 1. Authorized by law; or 2. Properly incidental to another activity required or authorized by law and the public official, public employee or public member allocates or reimburses the city for any additional costs

incurred for that portion of the activity not required or authorized by law.

C. No city official or employee, whether elected or appointed, shall promise an appointment to any municipal position as a reward for any political activity. (Prior code § 2-67)

2.60.90 Applicability – Advisory opinions.

When a councilman or other official or employee has doubt as to the applicability of a provision of this code of ethics to a particular situation, they shall apply to the city attorney for an advisory opinion and be guided by that opinion when given. The councilman or other official or employee shall have the opportunity to present their interpretation of the facts at issue and of the applicable provision of this code of ethics before such advisory decision is made. This code of ethics shall be operative in all instances covered by its provisions except when superseded by an applicable statutory, city code provision or policy, and statutory or city code action is mandatory, or when the application of a statutory or city code provision is discretionary, but determined to be more appropriate or desirable. (Prior code § 2-68)

2.60.100 Enforcement – Violation – Penalty.

A. Failure to comply with this chapter constitutes improper conduct.

B. As it relates to city employees, upon the complaint of any person alleging facts, which, if true would constitute improper conduct under the provisions of this chapter, the employee may be disciplined up to and including termination, pursuant to the city's personnel rules and regulations and any other applicable rules, regulations or law.

C. Violation of any provisions of this code of ethics should raise conscientious questions for the councilman or other official or employee concerned as to whether voluntary resignation or other action is indicated to promote the best interests of the city. Violation by any appointed official, employee or councilman, may result in discipline up to and including termination or constitute a reason for suspension, removal from office or employment or other disciplinary action at the discretion of the appointing authority. (Prior code § 2-69)

2.66.010 Alternative procedure for non-civil-service employees.

A. Except as otherwise provided, non-civil-service regular city employees, as defined in the city personnel rules and regulations manual, under the direction of the city manager, and who are not subject to civil service rules and regulations, shall be afforded the following treatment when discharged from employment for incompetence, neglect of duty or otherwise for cause;

1. The city council shall appoint a hearing examiner or panel to be known as the city personnel review examiner or panel. The examiner or panel shall be impartial and upon request as provided, shall conduct hearings to review the decisions of the city manager discharging employees from employment for incompetence, neglect of duty or otherwise for cause. The examiner or panel is granted the authority to sustain or reverse such decisions of the city manager. If a panel is appointed, it shall consist of an odd number of panelists and shall appoint from its members a chairperson. Either the examiner or a majority of the panel members shall be competent to conduct hearings. The panel shall exercise the authority granted by majority vote of those present.
2. The charges supporting discharge shall be specified by the city manager in a written notice, which together with a copy of this section, shall be delivered personally or by mail to the employee at his or her last known address within three working days of removal.
3. Within seven business days of the date the aforementioned notice is delivered or sent, the employee may request a hearing upon the charges by delivering a written request to the office of the city manager. The employee's request shall state the employee's reason(s) for disagreeing with the decision of the city manager.
4. In the event of a request, as provided, a hearing shall be scheduled by the city personnel review examiner or panel chairman, with not less than five days' notice to the parties. The notice shall be in writing and shall include the date, time and place of the hearing, and a short statement of the issue(s) involved.
5. The city personnel review examiner or panel chairperson shall preside at any such hearing, and, except as hereinafter provided, the matter shall proceed as a contested case under the provisions of the Wyoming Administrative Procedures Act.
6. With respect to any such hearing, the city personnel review examiner or panel chairperson, upon written application of any party, shall issue subpoenas requiring the appearance of witnesses for the purpose of taking evidence or requiring the production of any books, papers, or other documents relevant or material to the inquiry.
7. The scope of the examiner's or panel's review shall be limited to the matters and issues, and/or any information, evidence and/or witnesses supporting or relating to the matters or issues that were presented by city staff and/or by the employee to the city manager.
8. A transcript of the employee's meeting with the city manager shall be furnished by the city to the personnel review examiner or panel. Such transcript, as well as any documents received by the city manager from city staff or the employee, shall be conclusive as to any matter, issue and/or information that was presented to the city manager.
9. The hearing before the city personnel review examiner or panel shall not be a trial de novo, but shall be only for review of the city manager's decisions based on the information that was presented to the city manager. The personnel review examiner or panel may affirm, modify or reverse the decision of the city manager.
10.
 1. Not later than thirty days following the hearing, the city personnel review examiner or panel shall issue a written decision containing findings of fact and conclusions of law which explain the reason for its decision.
 - a. This section does not pertain to probationary, seasonal or part-time employees, as defined in the city personnel rules and regulations manual.
 - b. This section shall not limit the abilities of the city manager, except with respect to the discharge of the non-civil-service regular city employees for incompetency, neglect of duty or otherwise for cause.
 2. This section does not apply to discharge as a result of reduction in force. (Ord. 12-99 § 1, 1999)